IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 24965 of 2006(V)

PETITIONERS:

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1. **P. DAMODHARAN PILLAI,**
   KARUVAZHIKATTU, NADUVATHOOR,
   THEVALAPURAM, PUTHOOR PO.

2. **K. CHELLAMMA, VELIKKATTAZHIKATHU VEEDU,**
   THEVALAPPURAM, PUTHOOR.

3. **S. KUTTAN, KOCHUHOTTAVILA,**
   THEVALAPPURAM, NEDUVATHOOR PUTHOOR P.O.,
   KOTTARAKKARA.

4. **VASANTHA KUMARI AMMA,**
   CHERUVALLIKKALAVEEDU, THEVALAPPURAM,
   KOTTARAKKARA.

5. **RAMACHANDRAN NAIR, PARASERIPADINJATTATHIL**
   VEEDU, THEVALAPPURAM, PUTHOOR P.O.

6. **P. SANTHA KUMARI AMMA,**
   KADAPATTUZHIKATHU VEETTIL,
   NEDUVATHOOR, THEVALAPPURAM.

7. **J. SARASAMMA, SARASWATHI MANDIRAM,**
   THEVALAPPURAM, PUTHOOR P.O., KOTTARAKKARA.

BY ADV. SRI. PRATHEESH. P

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY**
   THE PRINCIPAL SECRETARY, FINANCE DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **DISTRICT COLLECTOR,**
   COLLECTORATE, KOLLAM.

3. **SPECIAL TAHSILDAR,**
   LAND ACQUISITION-II, KAP NO.XI,
   KOTTIYAM.

BY GOVERNMENT PLEADER SRI. L.G. SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24965/2006(V)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF COMMON JUDGMENT IN L.A.R. 81/86, 84/86 & 85/86 DATED 26.10.1999 OF THE SUBORDINATE JUDGE, KOTTARAKKARA.**
EXT. P2 (a) to (h)	**:**	**COPIES OF REPRESENTATONS DATED 21.02.2005 BEFORE THE DISTRICT COLLECTOR, KOLLAM SUBMITTED BY THE PETITIONERS.**

// TRUE COPY //

P.A. TO JUDGE.

smp

K. HEMA, J.

W.P.(C)NO. 24965 OF 2006

Dated this the 21st day of November, 2006.

J U D G M E N T

This writ petition is filed for a direction commanding the second respondent to consider and dispose of Exhibits P2(a) to P2(h) in the light of the dictum laid down in a decision reported in ***Sundar and others vs. Union of India*** **[2001(3) KLT 489].**

2. According to petitioners, the lands belonging to them in Kottamkara village was acquired by the Government in connection with construction of canal for the Kallada Irrigation Project. The composite notification under Section 4(1) of the Land Acquisition Act was published on 19.08.1993 and the land was taken possession on 18.03.1984. The Land Acquisition Officer passed an award fixing the land value at the rate of Rs. 3,234/- per Are and allowing 15% solatium and 4% interest. Certain land owners took up the matter and in those cases (L.A.R. Nos. 81/86, 84/86, 85/86) compensation was awarded, enhancing land value. The copy of the award is marked as Ext. P1.

3. On coming to know about the award passed by the reference court, petitioners moved application before second respondent for enhancement of compensation. They also sought, as per Exts. P2 (a) to P2(h), interest and solatium also. But, respondents have not passed any orders on the application. Therefore, this petition is filed for appropriate directions.

4. The fact that the petitions as Exts. P2(a) to P2(h) were filed under Section 28(A) of Land Acquisition Act is not disputed in the counter affidavit filed. Those applications were filed as early as in February 2005. The respondent-state has no case that those applications are disposed of. But, as per the counter affidavit filed by the State, there are some corrections in respect of the village in which the property is situated, the date of notification etc. It is also averred in the affidavit that petitioners are eligible to get solatium at 15% and interest at 4% on the enhanced market value. In the above circumstances, I find that appropriate order has to be passed for disposal of the representations.

The second respondent is directed to dispose of Exts. P2(a) to P2(h) in accordance with law, within a period of six months from date of receipt of copy of this judgment. While disposing of the applications, second respondent shall specifically take into consideration the contentions raised by the petitioners regarding interest and solatium.

This petition is allowed.

K. HEMA, JUDGE

smp